Translation

PCT/EP2003/011712

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P17907WO	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP2003/011712	International filing date (*day/month/year*) 22 October 2003 (22.10.2003)	Priority date (*day/month/year*) 18 November 2002 (18.11.2002)
International Patent Classification (IPC) or national classification and IPC G06F 19/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 17 June 2004 (17.06.2004)	Date of completion of this report 20 January 2005 (20.01.2005)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP2003/011712

I. Basis of the report

1. With regard to the **elements** of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-11, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages 1-27, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the drawings:

pages 1/2-2/2, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Internat[redacted]application No.
PCT/EP 03/11712

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6-7,9,11,13-14,21,23-26	YES
	Claims	1-5,8,10,12,15-20,22,27	NO
Inventive step (IS)	Claims	6-7,9,11,13,21,23-26	YES
	Claims	1-5,8,10,12,14-20,22,27	NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO

2. Citations and explanations

1 This report makes reference to the following documents:

D1: EP 1 107 159 A (SYSMEX CORP)
13 June 2001 (2001-06-13)
D2: US 2001/043882 (H. BERGER ET AL)
22 November 2001 (2001-11-22)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

The wording of the process described in claim 1 can be read from the process in D1.

D1 discloses (the references in parentheses are to this document):

a process for implementing quality control of an analytical process (column 7, lines 43-48) which belongs to a group of related analytical processes

executable in at least one analytical device and comprising in each case a chain of subprocesses (drawing 1) with the following features: fundamental chemical and/or physical subprocesses are stored for the group in a first database (column 16, lines 25-34); at least one section of the chain of the analytical process is emulated by specifying one of the basic subprocesses for each subprocess in a section of the chain, using at least one control parameter and at least one corresponding threshold value (column 11, lines 12-19); measured values are determined for control parameters for at least one run of the analytical process and the measured values are compared with the corresponding threshold values for the purposes of quality control (column 11, lines 12-19).

2.2 The process described in D1 comprises a chain of subprocesses, as shown in drawing 8. The error messages relate to different stages of a blood analysis.

Emulation of the various subprocesses is a multiple application of quality control to each subprocess and is included in D1 (drawing 8).

In D1 the expression "analytical process" means analysis of all individual investigations and the expression "at least one section of the chain of the analytical process" means one or a plurality of individual investigations.

3. DEPENDENT CLAIMS 2-4, 8, 10, 12, 15-20, 22 AND 27

The present application does not meet the

requirements of PCT Article 33(1) because the subject matter of claims 2-4, 8, 10, 12, 15-20, 22 and 27 is not novel within the meaning of PCT Article 33(2).

D1 discloses:

With respect to claims 2 and 27: column 4, line 35.
With respect to claims 3 and 4: column 13, line 42 to column 14, line 49.
With respect to claim 5: drawing 14.
With respect to claims 8, 10, 12, 20 and 22: column 13, line 42 to column 14, line 49.
With respect to claims 15-19: drawings 1-2 and 17-18.

Therefore, the above-indicated claims should not be considered novel as per PCT Article 33(1).

4. DEPENDENT CLAIM 14

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 14 does not involve an inventive step within the meaning of PCT Article 33(3).

The features of dependent claim 14 have been used for the same purpose in a similar process for maintaining an analytical device: cf. D2, in particular paragraph (?). It would therefore be obvious to a person skilled in the art to apply these features to a process for quality control of an analytical device as per D1 to like effect and in this way arrive at a process for quality control of

an analytical device as per claim 14.